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**FILED ELECTRONICALLY**

April 2, 2003

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12 Street, SW  
Washington, DC 20554

Re: CC Docket No. 02-33 -- Appropriate Framework for Broadband Access to the Internet  
over Wireline Facilities  
*Ex Parte Communication*

Dear Ms. Dortch:

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, on behalf of The BroadNet Alliance (BroadNet), I am filing this letter electronically to report an oral ex parte communication in the above-referenced proceeding.

Yesterday, I, representing the members of the BroadNet Alliance, met with Senior Legal Advisor Lisa Zaina, in the office of Commissioner Jonathan Adelstein, regarding the wireline broadband proceeding.

I explained the fundamental importance of the Computer Inquiry Rules to digital subscriber line (DSL) technology and to the accessibility of broadband to all users. As the recently completed triennial review proceeding appears to have granted the Bell companies all of the deregulatory relief they have sought, BroadNet feels very strongly that there is no longer any logical policy justification for adopting the tentative conclusions in the wireline broadband proceeding.

There are clearly many public interest benefits of retaining and enforcing the Computer Rules, and the Bell companies themselves have failed to produce any tangible evidence that continued adherence to these rules is in any way harmful to them, or to the development of broadband in general. Moreover, as the ISP industry is often the front-line "sales force" for DSL, they will remain key to the most efficient and widespread deployment of broadband across America. This is especially critical given the Bells' immediate retreat from their promises of deployment if granted broadband relief, following the Commission's decision in the February 20, 2003 meeting.

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I also discussed the potential for comprised national security if the FCC were to abandon its existing classification of DSL as a telecommunications service. The possibility, raised by the FBI and Department of Defense in their comments to the FCC on this proceeding, that the reclassification of DSL would exempt wireline broadband services entirely from CALEA has serious implications for public safety, law enforcement and national security. Surely such important public policy concerns, expressed by federal agencies, should not be taken lightly.

Finally, we discussed briefly the implications of this reclassification of DSL services on universal service. BroadNet looks forward to revisiting this important public interest concern with more data with the Commission in the coming weeks.

If there are any questions regarding this submission, please contact me at the above number.

Respectfully submitted,

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Executive Director

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